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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PAN011BWO FOR FURTHER AGENTATION OF THE PARTIES AGENT O		FOR FURTHER ACTIO	See Form PCT/IPEA/416			
nternational application No		International filing date (day)	monthlyear)	Priority date (day/month/year)		
CT/EP2004/009667 30.08.2004			19.11.2003			
nternational Patent Classif	cation (IPC) or na	ational classification and IPC				
NV. A61K7/48 A61K4						
Applicant						
BIO.LO.GA. S.R.L. et	al					
1. This report is the i	nternational pre ticle 35 and tra	liminary examination report nsmitted to the applicant ac	rt, established by ccording to Article	this International Preliminary Examining e 36.		
2. This REPORT co	nsists of a total	of 5 sheets, including this	cover sheet.			
This report is also	accompanied b	by ANNEXES, comprising:				
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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No. PCT/EP2004/009667

			Basis of the report			
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		This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of: international search (under Rules 12.3 and 23.1(b)) publication of the international application (under Rule 12.4) international preliminary examination (under Rules 55.2 and/or 55.3)				
2.	hav	o heen	regard to the elements* of the international application, this report is based on <i>(replacement sheets which</i> been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this It as "originally filed" and are not annexed to this report):			
	Des	cription	n, Pages			
	1-13	3	as originally filed			
Claims, Numbers		ms, Nu	ımbers			
1-15		5	as originally filed			
		a sequ	uence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing			
3	. 🗆	The a	mendments have resulted in the cancellation of:			
		☐ the	e description, pages			
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4	. □ ha∈ Su	d not be	report has been established as if (some of) the amendments annexed to this report and listed below een made, since they have been considered to go beyond the disclosure as filed, as indicated in the ental Box (Rule 70.2(c)).			
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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Yes: Claims

No:

Claims

Yes: Claims

1-15

1-15

Inventive step (IS)

Claims No:

Industrial applicability (IA)

Yes: Claims

1-15

Claims No:

2. Citations and explanations (Rule 70.7):

see separate sheet

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (SEPARATE SHEET)

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement.

1. The following documents (D1,D2) are referred to in this communication; the numbering will be adhered to in the rest of the procedure:

D1: EP-A-1 074 243 (AUSIMONT SPA) 7 February 2001 (2001-02-07)

D2: EP-A-0 390 206 (AUSIMONT S.R.L; AUSIMONT S.P.A) 3 October 1990 (1990-10-03)

2. Novelty (Article 33(2) PCT)

- The subject-matter of present claims 1-15 is considered as novel over the cited prior art for the following reasons (Article 33(2) PCT):

None of the cited documents refers to the use of perfluoropolyether phosphates as stabilizing agents for polyphenols in cosmetic and/or dermatological compositions for topical application (see independent claim 1) and to a cosmetic and/or dermatological composition comprising as active substances, polyphenols, characterized by containing as stabilizing agent an effective amount of at least one perfluoropolyether phosphate (see independent claim 5).

3. Inventive Step (Article 33(1),(3) PCT)

- The subject-matter of present claims 1-15 is considered as being inventive for the following reasons (Article 33(1),(3) PCT):
- The problem to be solved by the present application is to provide a new stabilizing agent for the polyphenols, allowing the achievement of cosmetic or dermatological formulations for topical use (see description on page 4, lines 10-12).
- The solution proposed in the present application consists in the use of perfluoropolyether phosphates as stabilizing agents for polyphenols in cosmetic and/or dermatological compositions (see independent claim 1) and a cosmetic and/or dermatological composition comprising as active substances, polyphenols, characterized by containing as stabilizing agent an effective amount of at least one perfluoropolyether phosphate (see independent claim 5).

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (SEPARATE SHEET)

- Document D1, which is considered as the closest prior art, describes a cosmetic base composition (premix) comprising a perfluoropolyether phosphate, a solvent and water. The composition may comprise alcohols (Cf. D1, the whole document).
- The difference between the teaching of the closest prior art and the claimed subject-matter appears to be the presence of a polyphenol in the claimed cosmetic composition and the stabilizing effect on said polyphenols by using perfluoropolyether phosphates.
- Starting from D1, the skilled person had no incentive to come to the claimed solution and therefore, the subject-matter of present claims 1-15 is considered as inventive according to Article 33(1),(3) PCT.

4. Industrial Application (Article 33(4) PCT)

- The subject-matter of present claims 1-15 is considered to be industrially applicable; claims 1-15 therefore, satisfy the criterion set forth in Article 33(4) PCT.